

Under the Prison Litigation Reform Act (PLRA), the courts are required to dismiss a prisoner's complaint if it is determined to be frivolous, malicious, or if it fails to state a claim on which relief may be granted. 28 U.S.C. § 1915A(b). A complaint is frivolous and warrants dismissal when the claims "lack[] an arguable basis in law or fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Claims lack an arguable basis in law or fact if they contain factual allegations that are fantastic or delusional, or if they are based on legal theories that are indisputably meritless. *Id.* at 327-28; *Brown v. Bargery*, 207 F.3d 863, 866 (6th Cir. 2000); *see also Lawler v. Marshall*, 898 F.2d 1196, 1198-99 (6th Cir. 1990). Although the federal courts are required to construe *pro se* complaints liberally, *see Boag v. MacDougall*, 454 U.S. 364, 365 (1982), under the PLRA, the "courts have no discretion in permitting a plaintiff to amend a complaint to avoid a *sua sponte* dismissal," *McGore v. Wrigglesworth*, 114 F.3d 601, 612 (6th Cir. 1997).


A successful § 1983 claimant must establish that the defendants acted knowingly or intentionally to violate his constitutional rights; mere negligence, recklessness, or mistakes are insufficient. *Daniels*, 474 U.S. at 333-36; *Ahlers v. Schebil*, 188 F.3d 365, 373 (6th Cir. 1999); *Howard v. Grinage*, 6 F.3d 410, 415 (6th Cir. 1993). The plaintiff does not allege, nor can it be liberally construed from the complaint, that the defendants broke his dentures knowingly and/or intentionally. Absent an allegation and supporting facts to that end, the plaintiff cannot support a claim against the defendants under § 1983 based on the mere fact that his dentures were broken.

The plaintiff's only other apparent claim is that the defendants conspired during the grievance process to thwart his effort to resolve the matter. However, state law does not create a liberty interest in a jail/prison grievance procedure. *Ilim v. Wakinekona*, 461 U.S. 238, 249 (1983). In other words, the plaintiff cannot premise a § 1983 claim based on allegations that the defendants' conspiracy to suppress the truth during the grievance process rendered the grievance procedure inadequate and/or unresponsive, because the plaintiff has no inherent constitutional right to an

adequate and/or responsive grievance procedure in the first place. *See Hewitt v. Helms*, 459 U.S. 460, 467 (1983)(overruled in part on other grounds by *Sandin v. Conner*, 515 U.S. 472 (1995)); *Argue v. Hofmeyer*, 80 Fed Appx 427, 430 (6th Cir. 2003)(citing *Antonelli v. Shehan*, 81 F.3d 1422, 1430 (7th Cir. 1996)); *Adams v. Rice*, 40 F.3d 72, 75 (4th Cir. 1994); *Flick v. Alba*, 932 F.2d 728, 729 (8th Cir. 1991).

For the reasons explained herein, the complaint lacks an arguable basis in law or fact. Accordingly, the complaint will be dismissed as frivolous

An appropriate order will enter


Todd Campbell
United States District Judge